

## **Other than Full and Open Competition**

All procurements (contracts, grants, or cooperative agreements) must be fully competed. If a full and open competition has not been held, or if the competition has been limited to a few contenders, that must be justified. Whoever made the selection of the awardee must certify as part of the justification.

**Step 1. Before proceeding any further, discuss the procurement with the Contracting Officer, Agreement Officer, or EXO.**

Step 2. If you still want to avoid a competition, review the regulations. The regulations on justifications for contracts are found in the FAR Part 603 and AIDAR Part 706.3. or FAR Part 13.106. Regulations on justifications for grants are found in the ADS Chapter 303. All of these regulations are available on your computer by clicking the "DR-CD" icon.

Step 3. Prepare the appropriate justification using the sample formats attached. Be aware that, after approval, the justification is made available to the public. Thus be sure that you are proud to sign it before you do so.

The approver of the justification depends on the type of procurement:

<b>Procurement Type</b>	<b>Approver of Justification</b>	<b>Clearances Required</b>	<b>Regulation</b>
Contract less than \$2,500	none required		
Contract less than \$25,000	Executive Officer	Office Chief	FAR 13.106
Contract less than \$100,000	Contracting Officer	Office Chief, Legal Advisor	FAR 13.106 or FAR 603 or AIDAR 706-302
Contract \$100,000 - \$250,000	Mission's Competition Advocate	Office Chief, Legal Advisor, Contracting Officer	AIDAR 706-302
Follow-on Contract \$100,000-\$250,000	Mission's Competition Advocate or, if longer than one year, Agency Competition Advocate in USAID/Wash.	Office Chief, Legal Advisor, Contracting Officer	AIDAR 706-302
Contract \$250,000 to \$1,000,000	Mission's Competition Advocate	Office Chief, Legal Advisor, Contracting Officer	FAR 603
Contract \$1,000,000 - \$10,000,000	Mission's Competition Advocate	Office Chief, Legal Advisor, Contracting Officer	FAR 603
Personal Services Contract	Contracting Officer	Office Chief, Legal Advisor	AIDAR 706-302 and CIB 97-16

<b>Procurement Type</b>	<b>Approver of Justification</b>	<b>Clearances Required</b>	<b>Regulation</b>
Grant less than \$10,000,000.00 (above this amount the Grant Officer should seek Washington's Approval)	Grant Officer	Office Chief, SO Team Leader, Legal Advisor, Competition Advocate	ADS 303
Cooperative Agreement less than \$10,000,000.00 (Above this amount the Agreement Officer should seek Washington's approval)	Agreement Officer	Office Chief, SO Team Leader, Legal Advisor, Competition Advocate	ADS 303

## **Format for Justifications of Other than Full and Open Competition**

These formats are intended to assist Activity Managers and SO Team Leaders to draft justification documents.

- A. Contract less than \$100,000
- B. Contract \$100,000 - \$1,000,000
- C. Contract \$1,000,000 - \$10,000,000
- D. Personal Services Contract
- E. Grant
- F. Cooperative Agreement

## **Format A. Contract less than \$100,000**

### **ACTION MEMORANDUM FOR CONTRACTING OFFICER, USAID/WEST BANK & GAZA**

**FROM:** Activity Manager

**SUBJECT:** Justification for other than full and open competition for the procurement of a study of..... for an estimated cost of \$xxxxx.

---

**AGENCY AND CONTRACTING ACTIVITY:** The U.S. Agency for International Development, USAID/West Bank & Gaza.

**SERVICES TO BE PROCURED:** A study of..... The value of this report is estimated at \$xxxxxxx.

**AUTHORITY:** Here, cite the appropriate regulatory authority from the FAR or the AIDAR, for example:

Federal Acquisition Regulations 6.302-1 provides that full and open competition need not be obtained when there is "only one responsible source and no other supplies or services will satisfy agency requirements", e.g., when unique supplies or services are available from only one source or only one supplier with unique capabilities. Statutory authority: 41 USC 252(c)(1). By virtue of your appointment as Contracting Officer, in accordance with FAR 6.304(a)(1) for proposed contracts not exceeding \$100,000, you have the authority to approve requests for other than full and open competition .

### **DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS REQUIRE THE USE OF THE AUTHORITY CITED:**

Here, explain why a competition should not be held and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here, explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source procurement, why you have not solicited any offers at all.

**REQUESTING OFFICER'S CERTIFICATION:** I hereby certify that the technical statements included above and which form a basis for the justification are complete and accurate.

\_\_\_\_\_  
Activity Manager

**CONTRACTING OFFICER'S STATEMENT:** It is my determination that the estimated cost of this activity to the Government is fair and reasonable. In accordance with FAR 6.303-1(a)(1) and FAR 6.303-2(a)(12), I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Contracting Officer

Clearances:

, Office Chief  
, Legal advisor

\_\_\_\_\_  
\_\_\_\_\_

## **Format B. Contract \$100,000 - \$1,000,000**

### **ACTION MEMORANDUM FOR COMPETITION ADVOCATE, USAID/WEST BANK & GAZA**

**FROM:** Activity Manager

**SUBJECT:** Justification for other than full and open competition for the procurement of  
..... for an estimated cost of \$xxxxxxx.

---

**AGENCY AND CONTRACTING ACTIVITY:** The U.S. Agency for International Development, USAID/West Bank & Gaza.

**SERVICES TO BE PROCURED:** Technical assistance services.....valued at \$xxxxxxx.

**AUTHORITY:** Here, cite the appropriate regulatory authority from the FAR or the AIDAR, for example:

Federal Acquisition Regulations 6.302-1 provides that full and open competition need not be obtained when there is "only one responsible source and no other supplies or services will satisfy agency requirements", e.g., when unique supplies or services are available from only one source or only one supplier with unique capabilities. Statutory authority: 41 USC 252(c)(1). By virtue of your appointment as Competition Advocate, in accordance with FAR 6.304(a)(2) for proposed contracts over \$100,000 but not exceeding \$1,000,000, you have the authority to approve requests for other than full and open competition .

### **DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS REQUIRE THE USE OF THE AUTHORITY CITED:**

Here, explain why a competition should not be held and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here, explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source procurement, why you have not solicited any offers at all.

**REQUESTING OFFICER'S CERTIFICATION:** I hereby certify that the technical statements included above and which form a basis for the justification are complete and accurate.

\_\_\_\_\_  
Activity Manager

**CONTRACTING OFFICER'S STATEMENT:** It is my determination that the estimated cost of this activity to the Government is fair and reasonable. In accordance with FAR 6.303-1(a)(1) and FAR 6.303-2(a)(12), I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Contracting Officer

**RECOMMENDATION:** Based on the justification stated herein, I recommend that you approve this exception to other than full and open competition.

[ ] Approved [ ] Not Approved

\_\_\_\_\_, Competition Advocate

Clearances:

\_\_\_\_\_, Office Chief

\_\_\_\_\_, Legal Advisor



## **Format C. Contract \$1,000,000 - \$10,000,000**

### **ACTION MEMORANDUM FOR DIRECTOR, USAID/WEST BANK & GAZA**

**FROM:** Activity Manager

**SUBJECT:** Justification for other than full and open competition for the procurement of..... for an estimated cost of \$xxxxxx

---

**AGENCY AND CONTRACTING ACTIVITY:** The U.S. Agency for International Development, USAID/West Bank & Gaza.

**SERVICES TO BE PROCURED:** Technical assistance services.....valued at \$xxxxxxxxx.

**AUTHORITY:** Here, cite the appropriate regulatory authority from the FAR, for example:

Federal Acquisition Regulations 6.302-1 provides that full and open competition need not be obtained when there is "only one responsible source and no other supplies or services will satisfy agency requirements", e.g., when unique supplies or services are available from only one source or only one supplier with unique capabilities. Statutory authority: 41 USC 252(c)(1). By virtue of your appointment as Director of USAID/West Bank & Gaza, in accordance with FAR 6.304(a)(3) for proposed contracts over \$1,000,000 but not exceeding \$10,000,000, you have the authority to approve requests for other than full and open competition .

#### **DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS REQUIRE THE USE OF THE AUTHORITY CITED:**

Here, explain why a competition should not be held and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here, explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source procurement, why you have not solicited any offers at all.

**REQUESTING OFFICER'S CERTIFICATION:** I hereby certify that the technical statements included above and which form a basis for the justification are complete and accurate.

\_\_\_\_\_  
Activity Manager

**CONTRACTING OFFICER'S STATEMENT:** It is my determination that the estimated cost of this activity to the Government is fair and reasonable. In accordance with FAR 6.303-1(a)(1) and FAR 6.303-2(a)(12), I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Contracting Officer

**RECOMMENDATION:** Based on the justification stated herein, I recommend that you approve this exception to other than full and open competition.

[ ] Approved [ ] Not Approved

\_\_\_\_\_  
, Competition Advocate  
USAID/West Bank & Gaza

Clearances:

, Office Chief \_\_\_\_\_  
, Legal Advisor \_\_\_\_\_

## **Format D. Personal Services Contract**

### **ACTION MEMORANDUM FOR EXECUTIVE OFFICER, USAID/WEST BANK & GAZA**

**FROM:** Activity Manager

**SUBJECT:** Justification for limited competition for the procurement of a Personal Services Contractor for an estimated cost of \$\_\_\_\_\_.

---

**AGENCY AND CONTRACTING ACTIVITY:** The U.S. Agency for International Development, USAID/West Bank & Gaza.

**SERVICES TO BE PROCURED:** A Personal Services Contractor to fill the \_\_\_\_\_ position in the \_\_\_\_\_ Office. Cost of this PSC is estimated at \$\_\_\_\_\_.

**AUTHORITY:** See the attached class justification as per AID Acquisition Regulations 706.3.

**DEMONSTRATION THAT FOLLOWING USAID/xxxxxx's NORMAL HIRING PROCEDURES WILL ADVERSELY AFFECT THE US ASSISTANCE PROGRAM, THUS REQUIRING A LIMITED COMPETITION AND USE OF THE AUTHORITY CITED:**

USAID/xxxxxxxx normally advertises in local newspapers for a few weeks, then reviews resumes, interviews and makes a selection. In this space, explain why you did not want to follow that procedure and thus held a limited competition and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source procurement, why you have not solicited any offers at all.

**REQUESTING OFFICER'S CERTIFICATION:** I hereby certify that the technical statements included above and which form a basis for the justification are complete and accurate.

\_\_\_\_\_  
Activity Manager

**CONTRACTING OFFICER'S STATEMENT:** It is my determination that the estimated cost of this activity to the Government is fair and reasonable. In accordance with FAR 6.303-1(a)(1) and FAR 6.303-2(a)(12), I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Contracting Officer

Clearances:

, Office Chief \_\_\_\_\_  
, Legal Advisor \_\_\_\_\_

## **Format E. Grant**

### **ACTION MEMORANDUM FOR THE GRANTS OFFICER, USAID/WEST BANK & GAZA**

**FROM:** SO Team Leader

**SUBJECT:** Justification for other than full and open competition for the award of a grant of  
\$ \_\_\_\_\_ to X Y Z org.

---

#### **SUMMARY OF PROGRAM DESCRIPTION:**

**AUTHORITY:** Here, cite the appropriate regulatory authority from the ADS, for example:

USAID Automated Directives System Chapter 303.5.3 allows for an exception to competition requirements for “follow-on assistance awards intended to continue or further develop an existing assistance relationship.”

#### **DEMONSTRATION THAT THE PROPOSED GRANTEE'S UNIQUE QUALIFICATIONS REQUIRE THE USE OF THE AUTHORITY CITED:**

Here, explain why a competition should not be held and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here, explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source grant, why you have not solicited any offers at all.

**RECOMMENDATION:** Based on the justification stated herein, Strategic Objective Team \_\_. \_\_ recommends that the Grants Officer negotiate a non-competitive grant to \_\_\_\_\_.

☐ Approved    ☐ Not Approved

\_\_\_\_\_, Grant Officer  
USAID/West Bank & Gaza

Clearances:

\_\_\_\_\_, Office Chief  
\_\_\_\_\_, Legal Advisor  
\_\_\_\_\_, Competition Advocate

## **Format F. Cooperative Agreement**

### **ACTION MEMORANDUM FOR THE AGREEMENTS OFFICER, USAID/WEST BANK & GAZA**

**FROM:** SO Team Leader

**SUBJECT:** Justification for other than full and open competition for the award of a Cooperative Agreement of \$\_\_\_\_\_ to \_\_\_\_\_.

---

#### **SUMMARY OF PROGRAM DESCRIPTION:**

**AUTHORITY:** Here, cite the appropriate regulatory authority from the ADS, for example:

USAID Automated Directives System Chapter 303.5.3\_ allows for an exception to competition requirements for “\_\_\_\_\_.”

#### **DEMONSTRATION THAT THE PROPOSED COOPERATOR'S UNIQUE QUALIFICATIONS REQUIRE THE USE OF THE AUTHORITY CITED:**

Here, explain why a competition should not be held and why the authority selected applies.

**DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE:**

Here, explain what steps you have taken to solicit offers for a limited competition or, in the case of a sole-source cooperative agreement, why you have not solicited any offers at all.

**RECOMMENDATION:** Based on the justification stated herein, Strategic Objective Team \_\_. \_\_ recommends that the Agreement Officer negotiate a non-competitive cooperative agreement with \_\_\_\_\_.

☐ Approved    ☐ Not Approved

\_\_\_\_\_, Agreement Officer  
USAID/West Bank & Gaza

Clearances:

\_\_\_\_\_, Office Chief \_\_\_\_\_  
\_\_\_\_\_, Legal Advisor \_\_\_\_\_  
\_\_\_\_\_, Competition Advocate \_\_\_\_\_



